

108TH CONGRESS }
1st Session

HOUSE OF REPRESENTATIVES

{ REPORT
108-106

NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2004

R E P O R T

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ON

H.R. 1588

together with

ADDITIONAL, DISSENTING, AND
SUPPLEMENTAL VIEWS

[Including cost estimate of the Congressional Budget Office]



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ADDITIONAL VIEWS

We write to express our concerns about the Cooperative Threat Reduction (CTR) and nuclear weapons provisions included in H.R. 1588. While, in both areas, the committee took some positive actions, we believe that on the whole the bill does not sufficiently advance the United States' nonproliferation policy goals. On the one hand, the bill does not provide all that the administration has requested to achieve the national security objectives of the CTR program. On the other, by advancing policies that aim to develop new and more usable nuclear weapons, the committee sends a dangerous signal to nations who might seek nuclear weapons and weakens U.S. credibility to push for nuclear restraint by others. Both of these elements of the bill are troubling on their own; when considered together they underline the dangers of these policies.

Cooperative Threat Reduction Issues

We are pleased that the committee fully funded the President's budget request for Cooperative Threat Reduction programs. We also commend the committee's decision to approve a one-year extension of waiver authority for certification conditions for the chemical weapons destruction facility at Shchuch'ye, Russia. Waiver authority will allow the construction of this facility—which currently stores 5,400 tons of the world's most dangerous and easily stolen weapons—to continue while still keeping pressure on Russia to comply all of the conditions imposed.

Yet while the bill permits the chemical weapons program to move forward, it also puts serious constraints on the funds needed to construct the Shchuch'ye facility. The chairman's mark, as presented to the committee, moved \$28.8 million from the chemical weapons destruction program to the strategic offensive arms elimination program—a program already fully funded in the President's request. Mr. Spratt offered two amendments—one that would restore the administration's request and one that would put the \$28.8 million in a separate line item that could be used for either the chemical or the strategic nuclear programs. The latter approach would have given the Secretary of Defense the flexibility to fund Shchuch'ye, while still allowing some members of the committee to express their preference for funding strategic nuclear programs. The bill also contains a complicated and unwieldy cost-sharing system for obligating the money that remains. While we believe that Russia and other members of the international community must remain active and committed partners in this effort, the bill's approach to achieving this outcome is overly complex and likely to slow efforts to dismantle these weapons. Both of these amendments failed on party line votes. We are deeply disappointed that the [national security benefits] value of the nonproliferation efforts to be achieved at Shchuch'ye—which President Bush has ordered to be

accelerated—are not understood or accepted by the majority of this committee.

We are also distressed that the administration's request to allow \$50 million in CTR funds to be used outside the former Soviet Union to take advantage of near-term nonproliferation opportunities or to advance our long-standing nonproliferation policies was stripped from this bill. Instead the bill allows for the transfer of such funds to the State Department's Nonproliferation and Disarmament Fund. We believe that the State Department undertakes important nonproliferation activities, but it does not have the deep expertise in securing and dismantling the weapons and infrastructure of weapons of mass destruction programs. The administration specifically asked for the Department of Defense to have this authority and we concur with their assessment. Ms. Tauscher offered an amendment that would have restored the requested approach. All committee Democrats and a Republican supported the President's request, but the amendment still failed.

Beyond these amendments, we have concerns about other provisions that may be well-intentioned, but are constraining in their effect. We are aware of and troubled by the waste incurred by the troubles at CTR programs in Votkinsk and Krasnoyarsk. We believe that there must be better program accountability and a renewed commitment by our Russian partners to ensure these problems do not recur. The Defense Department acknowledges this as well and has instituted a series of new procedures and policies designed to achieve this goal which they described to the committee on in testimony on March 4, 2003. The approach taken by this bill including its requirement that the Department identify, for all new or ongoing CTR programs, every permit or license that will ever be needed for a project, and then obtain such permits, regardless of when they would be most appropriately obtained, will hamstring numerous CTR programs, ultimately extending the completion time for these projects and leaving more weapons at proliferation risk. We share the majority's interest in enhanced accountability, but the existing efforts of the Department will achieve this, without risking the health of existing programs.

We hope some of these weaknesses will be reversed in floor consideration of H.R. 1588. Doing so would advance the administration's and Congress' goal of preventing the proliferation of some of the world's most dangerous weapons.

Nuclear Weapon Issues

We are pleased that the committee accepted the amendment offered by Rep. Spratt to retain the prohibition on developing new nuclear weapons with yields below five kilotons. Although the amendment permits research of such weapons, it prohibits development engineering (referred to as Phase 6.3 activities by the Department of Energy) and later stages of development. More importantly, the amendment reaffirms that it is the policy of the United States not to develop or produce low-yield nuclear weapons. This bipartisan action in the House sends an important message: the United States is not backsliding towards development of new battlefield nuclear weapons.

Unfortunately, bipartisan agreement on this amendment did not extend to three other amendments on nuclear weapons. On nearly party-line votes, the majority refused to accept the following amendments:

1. A Tauscher Amendment to put in place a one-year moratorium on the development of new nuclear weapons (although research short of phase 6.3 would have been permitted);
2. A Tauscher Amendment to transfer funding from two nuclear weapon studies—the Robust Nuclear Earth Penetrator and Advanced Concepts—to conventional alternatives for addressing hard and deeply buried targets; and
3. A Spratt Amendment to require notification of Congress 18 months prior to a resumption of underground nuclear testing.

In rejecting these common-sense amendments, the committee has effectively endorsed the Bush Administration's policy to examine new uses for nuclear weapons. We believe this policy is a reversal of the positive trend since the end of the Cold War to rely less and less on nuclear weapons. If the United States starts seeking new nuclear weapons, it signals that nuclear weapons are still desirable and legitimate weapons of war. If other existing nuclear nations—such as Russia, China, India, and Pakistan—follow our lead, the odds increase that terrorist groups will obtain these weapons or the critical fissile materials used to build them. In addition, our pursuit of new nuclear weapons may weaken international resolve to prevent nations such as North Korea, Iran, Syria, and Libya from obtaining nuclear weapons (or more weapons in the case of North Korea).

Instead of developing new nuclear weapons, the United States should redouble its efforts to discourage the development and use of nuclear weapons and reduce the stores of fissile materials available for theft or unauthorized transfer. We are disappointed that the bill as currently drafted heads in the wrong direction, and will continue to seek changes to the bill on the House floor and in conference.

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